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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,460	09/15/2003	Melvin Pardue	1201-023/ddh	2197
21034	7590	11/03/2005	EXAMINER	
IPSOLON LLP			BLAKE, CAROLYN T	
805 SW BROADWAY, #2740			ART UNIT	
PORTLAND, OR 97205			PAPER NUMBER	

3724

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/663,460

Applicant(s)

PARDUE ET AL.

Examiner

Carolyn T. Blake

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 23, 2005 has been entered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 34. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3724

4. Claims 1-4, 7-9, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Jr. et al (D360,817), Khachatoorian et al (6,502,311), or Crank et al (2,240,397) in view of Kanzawa (D468,615), Glesser (5,689,890), or Cavanagh (610,471) and in further view of DeCarolus (D 299,413).

Moyer, Khachatoorian, and Crank all disclose handles for hand tools with single direction ridges for facilitating gripping of the tool during use. The ridges of Moyer, Khachatoorian, and Crank have a length extending in a direction generally transverse to the longitudinal axis such that no ridge overlaps any adjacent ridge along a line transverse to the longitudinal axis, and the ridge pattern includes no ridges extending generally along the longitudinal axis.

Moyer, Khachatoorian, and Crank all lack the two-direction ridge pattern formed on the outer surface, wherein the first ridges face the rearward end, and a plurality of second ridges face the forward end. However, Kanzawa, Glesser '615, Glesser '890, and Cavanagh all disclose that two directional ridge patterns on opposing sides of the tool, facing forwardly and rearwardly, on the tool handles that facilitate gripping the tool during use. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the one directional ridge pattern of Moyer, Khachatoorian, and Crank a two directional ridge pattern on each side of the tool, wherein the ridge patterns of Moyer, Khachatoorian, and Crank would face forwardly and rearwardly in order to enhance a user's grip on a tool during use.

The above combinations still fail to disclose the length of the ridges at the forward end of the handle is longer than the length of the rearward-facing ridges

Art Unit: 3724

adjacent a center portion of the handle, and the length of the forward-facing ridges at the rearward end of the handle is longer than the length of the forward-facing ridges adjacent a center portion of the handle. However, DeCarolis teaches a handle for a hand tool wherein the length of ridges at the forward end of the handle is longer than the length of the ridges adjacent a center portion of said handle, and the length of the ridges at the rearward end of the handle is longer than the length of the ridges adjacent a center portion of the handle. The length of the ridges on the DeCarolis device is the result of the ergonomic handle design featuring a center indentation so as to comfortably fit in a user's hand. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide ridge length as claimed on the modified device of Moyer, Khachatoorian, and Crank for the purpose of providing an ergonomic grip.

As to claim 2, the modified device of Moyer, Khachatoorian, and Crank all disclose the invention substantially as claimed except for the first ridges are located toward the forward end, which face rearwardly, and the second ridges are located toward the rearward end, which face forwardly, of the handle. However, Glesser '890 discloses that it is old and well known in the art to use first ridges that are located toward the forward end (the left side) and face rearwardly of the handle and second ridges that are located toward the rearward end and face forwardly (the right side) for the purpose of reducing slippage in multiple directions.

As to claims 3 and 4, see FIG 4 of Moyer, FIG 1 of Crank, and FIG 1 of Khachatoorian.

As to claims 7 and 19, the modified devices of Moyer, Khachatoorian, and Crank lack the neutral zone between the forward facing ridges and the rearward facing ridges, wherein the neutral zone comprises a portion of the outer surfaces having no ridges. However, Glesser '378 and Kanzawa both disclose the use of a neutral zone for the purpose of separating the opposing ridges to increase the effectiveness of the gripping surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a neutral zone in order to separate the opposing ridges to increase the effectiveness of the gripping surface.

As to claim 8, the modified devices of Moyer, Khachatoorian, and Crank lack the ridges being arcuate; however, Cavanagh discloses that it is old and well known in the art to have the outer surface of the ridges when viewed together as being arcuate in order to increase the gripping resistance between the user and the handle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the outer surface of the ridges of the modified devices of Moyer, Khachatoorian, and Crank create an arcuate outline in order to increase the effectiveness of the gripping force between the user and the handle.

As to claim 20, the modified devices of Moyer, Khachatoorian, and Crank lack a retaining clip with a first end attached to the handle and a second end contacting the handle, wherein the second end of the clip contacts the handle in the neutral zone. However, Glesser '890 discloses that it is old and well known in the art to use retaining clips (90) with a first end attached to the handle and a second end contacting the handle in order to facilitate carrying the tool. Therefore, it would have been obvious to one of

Art Unit: 3724

ordinary skill in the art at the time the invention was made to use a retaining clip with the modified devices of Moyer, Khachatoorian, and Crank in order to facilitate carrying the tool. Furthermore, it would have been an obvious matter of design choice to shorten the length of the clip such that it contacts the neutral zone (24) in order to limit the amount of interference of the clip with the gripping surface because such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Jr. et al in view of Kanzawa, Glesser ('378 or '890), or Cavanagh and DeCarolis as applied to claims 1-4 above in further view of the following.

The modified devices of Moyer in FIGS 2 and 4 shows a valley between each ridge, wherein the first sloping surface extends from the valley to the ridge in the direction from the forward end toward the rearward end and from the rearward end toward the forward end depending up on the side of the protuberance.

***Allowable Subject Matter***

6. Claims 10-15 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-

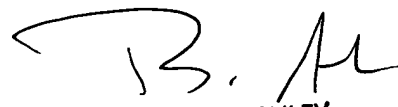
Art Unit: 3724

4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB  
October 26, 2005

  
BOYER D. ASHLEY  
PRIMARY EXAMINER